

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

RUBEN *et al.*

Appl. No. 09/345,373

Filed: July 1, 1999

For: **Keratinocyte Growth Factor-2**



Art Unit: 1646

Examiner: To be assigned

Atty. Docket: 1488.036000A/EKS/AJK

**Information Disclosure Statement**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. Copies of Document Nos. AE1, AF1, AJ1, and AK1 are submitted herewith. Copies of each of the remaining documents were previously cited or submitted in Applicants' 35 U.S.C. § 120 priority Application No. 09/023,082, filed on February 13, 1998.

Documents AP2, AL3, AL4, AO4, AO5, AP5, and AL6 are in a non-English language. Documents AR19, AS19, AT19, AR20, AS20, AT20, AR21 are provided as English language translations of AP2, AL3, AL4, AO4, AO5, AP5, and AL6, respectively.

Applicants also wish to bring to the attention of the Examiner that SEQ ID NO:1 and the corresponding clone of this application are related to SEQ ID NO:113 in co-pending U.S. Patent Application No. 08/103,744, filed August 9, 1993; SEQ ID NO:4697 in co-pending U.S. Patent Application No. 08/104,507, filed August 9, 1993; SEQ ID NO:1348 in co-pending U.S. Patent Application No. 08/196,482, filed February 15, 1994; SEQ ID NO:15385 in co-pending U.S. Patent Application No. 08/196,363, filed February 15, 1994; SEQ ID NO:610 in co-pending U.S. Patent Application No. 08/221,623, filed March 31, 1994; SEQ ID NO:1347 in co-pending U.S. Patent Application No. 08/275,627, filed July 15, 1994; SEQ ID NOS:11927 and 15048 in co-pending U.S. Patent Application No. 08/276,163, filed July 15, 1994; SEQ ID NO:715 in co-pending U.S. Patent Application No. 08/345,704, filed November 21, 1994; SEQ ID NOS:7739,

12562, 15556 and 16419 in co-pending U.S. Patent Application No. 08/401,791, filed March 10, 1995; SEQ ID NO:5130 in co-pending U.S. Patent Application No. 08/799,180, filed February 12, 1997; SEQ ID NO:6325 in co-pending U.S. Patent Application No. 08/803,609, filed February 21, 1997; SEQ ID NO:11879 in co-pending U.S. Patent Application No. 08/803,610, filed February 21, 1997; SEQ ID NO:2225 in co-pending U.S. Patent Application No. 08/971,197, filed November 14, 1997; SEQ ID NO:1116 in co-pending U.S. Patent Application No. 08/975,985, filed November 21, 1997; SEQ ID NO:2029 in co-pending U.S. Patent Application No. 08/976,343, filed November 21, 1997; SEQ ID NO:981 in co-pending U.S. Patent Application No. 08/985,366, filed November 4, 1997; SEQ ID NO:5750 in co-pending U.S. Patent Application No. 08/985,356, filed December 4, 1997; SEQ ID NO:2801 in co-pending U.S. Patent Application No. 09/076,897, filed May 13, 1998; and SEQ ID NOS:1305 and 2308 in co-pending U.S. Patent Application No. 09/078,617, filed May 14, 1998.

Applicants would also like to direct the Examiner's attention to co-pending Application No. 09/023,082, filed February 13, 1998; Application No. 09/218,444, filed December 22, 1998; and Application No. 09/248,998, filed February 12, 1999; which are directed to related technical subject matter.

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

RUBEN *et al.*  
Appl. No. 09/345,373

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036. A duplicate copy of this pleading is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*Andrea Jo Kamage*

Andrea Jo Kamage  
Agent for Applicants  
Registration No. 43,703

Date: May 4, 2000

1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600